

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

Tiffany Meadows,	)	
	)	
Plaintiff,	)	Civil Action No.: 3:11-cv-00290-JMC
	)	
v.	)	<b>ORDER AND OPINION</b>
	)	
Carolyn W. Colvin, Acting Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court upon motion of Plaintiff, through her attorney, Paul T. McChesney, for an award of attorney's fees under 42 U.S.C. § 406(b) (ECF No. 43). Plaintiff's motion seeks reimbursement for Counsel's representation in the captioned matter in the amount of \$17,765.50, not to exceed 25% of the total of the past-due benefits awarded to Plaintiff. Defendant's response to Plaintiff's motion (ECF No. 44) notifies the court that the Acting Commissioner does not oppose Plaintiff's request for fees in the amount stated herein.

The court has reviewed Counsel's fee petition that was submitted and finds Counsel's request for fees reasonable. Therefore, Plaintiff is entitled to an award of attorney's fees under 42 U.S.C. § 406(b) in the stipulated amount of \$17,760.50 from the claimant's 25% of the total of the past-due benefits.

Fees under 42 U.S.C. § 406(b) are paid from the claimant's benefits, rather than from agency funds, based on a contract between the claimant and the claimant's attorney. Plaintiff was also awarded attorney fees under the Equal Access to Justice Act in the amount of \$7,000.00 (ECF No. 43-10.) Since Plaintiff has received the total amount of EAJA benefits, no offset is necessary. However, fees in this case will be awarded with the condition that any overlapping

fees be awarded to Plaintiff. Thus, Plaintiff's attorney must refund the lesser of the two fees to Plaintiff. See *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

**IT IS SO ORDERED**

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

July 25, 2014  
Greenville, South Carolina